



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,683	11/09/2001	Jody J. Shapiro	1968.0030000	5864

28452 7590 05/04/2005
BOURQUE & ASSOCIATES, P.A.
835 HANOVER STREET
SUITE 303
MANCHESTER, NH 03104

EXAMINER

ISMAL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,683

Applicant(s)

SHAPIRO, JODY J.

Examiner

Shawki S. Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 10, 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31, 36-42 and 44-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31, 36-42 and 44-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Examiner acknowledges receipt of applicant's restriction election on March 10, 2005. Claims 32-35 and 43 are were not elected. Claims 1-31, 36-42, and 44-46 were elected and remain for further examination.
2. References in applicant's IDS form 1449 have been considered.

Claim Rejections - 35 USC §102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-12, 14-31, and 39-42, are rejected under 35 U.S.C. 102(e) as being anticipated by **Sahai et al.**, (Sahai) U.S. Patent No. **6,594,699**.
5. As to claim 1, Sahai teaches a system for remotely determining the configuration of a computer of a multimedia content user, the system comprising:
 - a delivery management server that sends a player detection script to the user's computer and receives configuration information from the user's computer (col. 5, lines 1-21, the capabilities and specification of the client are probed by a delivery management and control server to determine hardware and software capabilities).

Art Unit: 2155

6. As to claim 2, Sahai teaches the system of claim 1, wherein said player detection script comprises logic for a string search of mimetype and plugin arrays at the user's computer (col. 5, lines 26-36, the media player of the client is based on the MIME type of the content).

7. As to claim 3, Sahai teaches the system of claim 1, wherein said player detection script comprises logic for instantiation of an object for a media player (col. 5, lines 41-46, the media server formats the data and adapts it to the client capabilities and user specification).

8. As to claim 4, Sahai teaches the system of claim 1, wherein said player detection script comprises logic for querying a player to determine said player's version (col. 3, lines 30-31, the system software capabilities including type and version of operating system).

9. As to claim 5, Sahai teaches the system of claim 1, further comprising: server contact code for causing the user's computer to retrieve said player detection script from said delivery management server (col. 5, lines 1-20).

10. As to claim 6, Sahai teaches the system of claim 5, wherein said server contact code is embodied in a webpage sent by a content provider to the user's computer (col. 5, lines 1-20, when the user clicks on a URL associated with the streamable multimedia assets desired. The capabilities of the client are then determined).

11. As to claim 7, Sahai teaches the system of claim 6, wherein said web page is developed by said content provider independently from a delivery management service associated with said delivery management server (col. 5, lines 1-20).

Art Unit: 2155

12. As to claim 8, Sahai teaches the system of claim 1, further comprising a preferences page sent to the user's computer by said delivery management server, wherein said preferences page comprises a user interface through which the user can indicate configuration information to said delivery management server (col. 5, line 18-26, the user is prompted to enter the needed information on a URL page and then the page is sent back to the provider).

13. As to claim 9, Sahai teaches the system of claim 8, wherein said user-indicated configuration information comprises identification of a connection speed (col. 3, lines 25-27, a typical capabilities of the client sent to the server is CPU processing power and speed).

14. As to claim 10, Sahai teaches the system of claim 8, wherein said user-indicated configuration comprises identification of a particular media player (col. 3, lines 30-31).

15. As to claim 11, Sahai teaches the system of claim 8, wherein said preferences page further comprises a server interface through which said delivery management server recommends a particular media player (col. 6, lines 12-49).

16. As to claim 12, Sahai teaches the system of claim 8, wherein said preferences page is developed by said content provider independently of a delivery management service associated with said delivery management server (col. 5, line 18-26).

17. As to claim 14, Sahai teaches the system of claim 1, wherein said delivery management server operates as part of a delivery management service that is upgradable independent of any content provider (col. 5, lines 1-20).

Art Unit: 2155

18. As to claim 15, Sahai teaches a method of remotely determining the configuration of a computer of a multimedia content user, comprising the steps of:

(a) sending player detection code to the user's computer (col. 5, lines 1-21, the capabilities and specification of the client are probed to determine hardware and software capabilities); and

(b) receiving configuration information regarding the user's computer (col. 5, lines 1-21, the capabilities and specification of the client are probed to determine hardware and software capabilities)

19. As to claim 16, Sahai teaches the method of claim 15, further comprising the step of:

(c) setting a cookie at the user's computer to a domain of a delivery management server, performed before said step (b), and wherein the configuration information of said step (b) is received in the cookie (col. 6, lines 9-11, the capabilities are stored on a storage media in the client).

20. As to claim 17, Sahai teaches the method of conveying, to a delivery management server, the configuration of a computer of a multimedia content user, comprising the steps of:

(a) receiving server contact code (col. 5, lines 10-17);

(b) executing the server contact code, to fetch player detection code from the delivery management server (col. 5, lines 1-20);

(c) executing the player detection code, to determine configuration information (col. 5, lines 1-21, the capabilities and specification of the client are probed to determine hardware and software capabilities);

(d) storing the configuration information (col. 6, lines 9-11, the capabilities are stored on a storage media in the client); and

(e) sending the configuration information to the delivery management server (col. 5, lines 1-20, the configuration information of the client are determined and sent to the server).

21. As to claim 18, Sahai teaches the method of claim 17, wherein the server contact code of said step (a) is received in a web page sent by a content provider (col. 5, lines 41-46).

22. As to claim 19, Sahai teaches the method of claim 17, wherein said step (b) is performed as a result of an action by the user (col. 5, lines 1-4).

23. As to claim 20, Sahai teaches the method of claim 17, wherein said step (c) comprises performing a string search through a mimetype array in the user's computer, to identify character strings indicative of one or more media players (col. 5, lines 26-36).

24. As to claim 21, Sahai teaches the method of claim 17, wherein said step (c) comprises performing a string search through a plugin array in the user's computer, to identify character strings indicative of one or more media players (col. 5, lines 26-36).

25. As to claim 22, Sahai teaches the method of claim 17, wherein said step (c) comprises attempting to instantiate a media player object to determine the presence of the media player (col. 5, lines 1-20).

Art Unit: 2155

26. As to claim 23, Sahai teaches the method of claim 17, wherein said step (d) comprises storing the configuration information in one or more cookies (col. 6, lines 9-11).

27. As to claim 24, Sahai teaches the method of claim 23, wherein said step (e) comprises sending the cookies to the delivery management server (col. 6, lines 50-52).

28. As to claim 25, Sahai teaches the method of claim 23, wherein said step (d) comprises setting a cookie at the user's computer to a domain of the delivery management server (col. 6, lines 50-52).

29. As to claim 26, Sahai teaches a method of remotely determining the configuration of a computer of a multimedia content user, comprising the steps of:

(a) sending a preferences page to the user's computer (col. 5, lines 18-26); and

(b) receiving configuration information regarding the user's computer (col. 5, lines 18-26).

30. As to claim 27, Sahai teaches the method of claim 26, wherein a recommended media player is identified to the user through the preferences page (col. 5, lines 18-26).

31. As to claim 28, Sahai teaches a method of conveying, to a delivery management server, the configuration of a computer of a multimedia user, comprising the steps of:

(a) receiving a preferences page (col. 5, lines 18-26);

(b) receiving configuration information from the user through a user interface in the preferences page (col. 5, lines 18-26);

(c) storing the configuration information (col. 6, lines 9-11); and

(d) sending the configuration information to the delivery management server col. 6, lines 50-52).

32. As to claim 29, Sahai teaches the method of claim 28, further comprising the step of: (e) conveying the identity of a recommended media player to the user (col. 6, lines 17-23).

33. As to claim 30, Sahai teaches the method of claim 28, wherein the configuration information comprises the identity of a particular media player (col. 3, lines 30-30).

34. As to claim 31, Sahai teaches the method of claim 28, wherein the configuration information comprises identification of a connection speed (col. 3, lines 26-27).

35. As to claim 39, Sahai teaches a computer program product comprising a computer usable medium having computer readable program code means embodied in said medium for causing an application program to execute on a delivery management server that remotely determines the configuration of a computer of a multimedia content user, said computer readable program code means comprising:

(a) computer readable program code means for causing the delivery management server to send a player detection code to the user's computer (col. 5, lines 10-17); and

(b) computer readable program code means for causing the delivery management server to receive configuration information regarding the user's computer (col. 5, lines 10-17).

36. As to claim 40, Sahai teaches a computer program product comprising a computer usable medium having computer readable program code means embodied in

Art Unit: 2155

said medium for causing an application program to execute on a computer of a multimedia content user, wherein the computer conveys, to a delivery management server, the configuration of the user's computer, said computer readable program code means comprising:

(a) computer readable program code means for causing the user's computer to receive server contact code (col. 5, lines 1-20);

(b) computer readable program code means for causing the user's computer to execute the server contact code, to fetch player detection code from the delivery management server (col. 5, lines 1-20);

(c) computer readable program code means for causing the user's computer to execute the player detection code, to determine configuration information (col. 5, lines 1-20);

(d) computer readable program code means for causing the user's computer to store the configuration information (col. 6, lines 9-11); and

(e) computer readable program code means for causing the user's computer to send the configuration information to the delivery management server (col. 5, lines 1-20).

37. As to claim 41, Sahai teaches a computer program product comprising a computer usable medium having computer readable program code means embodied in said medium for causing an application program to execute on a delivery management server that remotely determines the configuration of a computer of a multimedia content user, said computer readable program code means comprising:

(a) computer readable program code means for causing the delivery management server to send a preferences page to the user's computer (col. 5, lines 18-22); and

(b) computer readable program code means for causing the delivery management server to receive configuration information regarding the user's computer (col. 5, lines 10-17).

38. As to claim 42, Sahai teaches a computer program product comprising a computer usable medium having computer readable program code means embodied in said medium for causing an application program to execute on a computer of a multimedia user, wherein the user's computer conveys, to a delivery management server, the configuration of the user's computer, said computer readable program code means comprising:

(a) computer readable program code means for causing the user's computer to receive a preferences page (col. 5, lines 18-26);

(b) computer readable program code means for causing the user's computer to receive configuration information from the user through a user interface in the preferences page (col. 5, lines 18-26);

(c) computer readable program code means for causing the user's computer to store the configuration (col. 5, lines 9-11); and

(d) computer readable program code means for causing the user's computer to send the configuration information to the delivery management server (col. 5, lines 10-17).

Art Unit: 2155

39. Claims 36-38 and 44-46, are rejected under 35 U.S.C. 102(e) as being anticipated by **Capps** U.S. Patent No. **6,711,682**.

40. As to claim 36, Capps teaches a method of setting a cookie at a user's computer, comprising the steps of:

(a) receiving a hypertext transfer protocol (HTTP) request for a cookie set script (col. 9, lines 56-67 and col. 10, lines 21-29); and

(b) sending a set-cookie: header to the user's computer (col. 9, lines 56-67 and col. 10, lines 21-29).

41. As to claim 37, Capps teaches a method of setting a cookie at a user's computer, comprising the steps of:

(a) building a uniform resource locator (URL) to a cookie set script at a delivery management server (col. 9, lines 56-67 and col. 10, lines 21-29);

(b) making a hypertext transfer protocol (HTTP) request for the cookie set script (col. 9, lines 56-67 and col. 10, lines 21-29); and

(c) receiving a set-cookie header from the delivery management server (col. 9, lines 56-67 and col. 10, lines 21-29).

42. As to claim 38, Capps teaches a method of claim 37, further comprising the step of:

(d) creating a dummy image object, performed after step (a) and before step (b) (col. 9, lines 56-67 and col. 10, lines 21-29).

43. As to claim 44, Capps teaches a computer program product comprising a computer usable medium having computer readable program code means embodied in

Art Unit: 2155

said medium for causing an application program to execute on a delivery management server that sets a cookie at a user's computer, said computer readable program code means comprising:

(a) computer readable program code means for causing the delivery management server to receive a hypertext transfer protocol (HTTP) request for a cookie set script (col. 9, lines 56-67 and col. 10, lines 21-29); and

(b) computer readable program code means for causing the delivery management server to send a set-cookie header to the user's computer (col. 9, lines 56-67 and col. 10, lines 21-29).

44. As to claim 45, Capps teaches a computer program product comprising a computer usable medium having computer readable program code means embodied in said medium for causing an application program to execute on a computer that sets a cookie at the computer, said computer readable program code means comprising:

(a) computer readable program code means for causing the computer to build a uniform resource locator (URL) to a cookie set script at a delivery management server (col. 9, lines 56-67 and col. 10, lines 21-29);

(b) computer readable program code means for causing the computer to make a hypertext transfer protocol (HTTP) request for the cookie set script (col. 9, lines 56-67 and col. 10, lines 21-29); and

(c) computer readable program code means for causing the computer to receive a set-cookie header (col. 9, lines 56-67 and col. 10, lines 21-29).

Art Unit: 2155

45. As to claim 46, Capps teaches a computer program product of claim 45, wherein said code means (b) comprises computer readable code means for causing the computer to create a dummy image object (col. 9, lines 56-67 and col. 10, lines 21-29).

Claim Rejections - 35 USC § 103

46. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

47. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Sahai et al.**, (Sahai) U.S. Patent No. **6,594,699** and in view of **Abramowitz et al.**, (Abramowitz) U.S. Patent No. **6,441,831**.

48. As to claim 13, Sahai teaches the system of claim 8, wherein said preferences page includes a determination of a computer's speed by requesting that the user input the information. Sahai does not explicitly teach wherein the preference page includes a timing block of predetermined size.

Abramowitz teaches a method of presenting multimedia information on a computer by first determining a processor speed of the computer based on the amount of time it takes the computer to play a test presentation (see abstract).

Art Unit: 2155

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Abramowitz into the invention of Sahai in order to efficiently present content to the user in a timely manner and in a format that is compatible with the configuration on the user's computer.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
April 29, 2005



ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2102